

REMARKS

On September 24, 2009, Applicant filed a Notice of Appeal to bring the rejections made in the Office Action dated June 24, 2009, before the Board of Patent Appeals and Interferences. On March 15, 2010, the Office issued the outstanding Office Action withdrawing the rejections in the June 2009 Office Action and rejecting the application based on a newly-identified document that allegedly anticipates all the pending claims. Specifically, claims 1, 4, 6, 7, 9-14, 16-25 and 27-40 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,909,443 to *Robertson et al.* (“*Robertson*”). Applicant respectfully traverses the rejection

The Office bears the burden of presenting a *prima facie* case of unpatentability. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). In order to properly anticipate Applicant's claims under Section 102(e), each and every element of the claims in issue must be found, either expressly described or under the principles of inherency, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as contained in the claims. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Further, the elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicant's claim 1 recites, *inter alia*, “a first graphical user interface (GUI) element associated with a first application running on a computer and a corresponding, second GUI element associated with a second application running on the computer, the first application being displayed on a computer display in a first window and the second application,” “detecting, when the first application is active, user selection of the second window to make the second application active” and “removing from the computer display the first GUI

element associated with the first application and replacing the first GUI element with the corresponding, second GUI element associated with the second application.” *Robertson* does not disclose these features of claim 1. The Office Action does not set forth sufficient evidence to establish that *Robertson* anticipates the features of Applicant’s claim 1. In addition, *Robertson* actually does not disclose the features recited in claim 1. Moreover, the elements of *Robertson* are not arranged as required by the claim.

The Disclosure of *Robertson*

Robertson provides a user interface for a computer operating system 750 (e.g., Windows® 2000). (*Robertson*, Abstract; col. 27, l. 65 to col. 28, l. 15; FIG. 48.) The user interface allows a user to combine windows together in a group called a “task.” (*Id.*) An image of each task can be positioned within a three-dimensional environment displayed by the user interface application on a display 770. In an exemplary embodiment, the three-dimensional environment represents a virtual art gallery. (*Id.*) The gallery may have several rooms 202, 204, 206, 208. (*Id.* at FIGs. 2-6.) The tasks appear as images on walls 210, 212, 214, 216, 218 of the gallery. The gallery also includes a stage 217, which is used to display the task with the current focus of a user. (*Id.* at Abstract.)

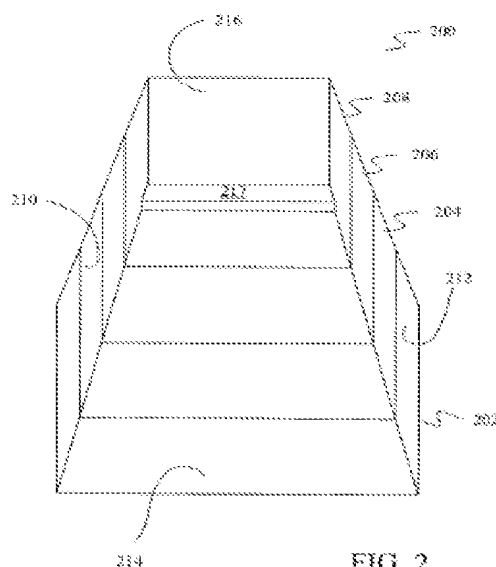


FIG. 2

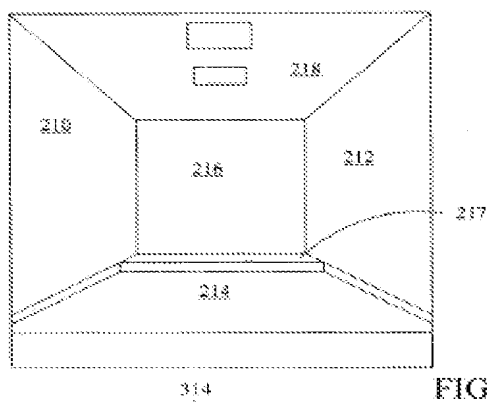


FIG. 4

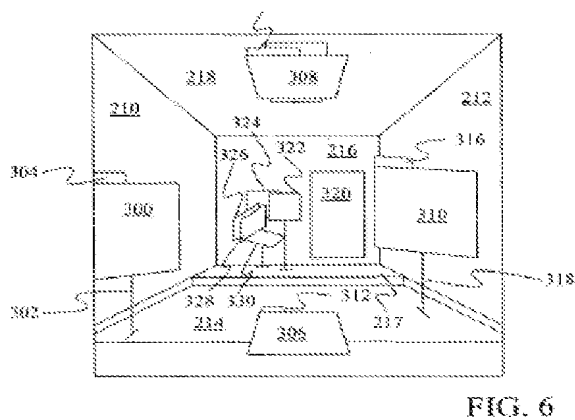


FIG. 6

When a user selects task in the gallery (e.g., FIG. 6, task 310), the selected task is moved to the stage 217 and given “focus.” When a task has “focus,” it is associated with an image that does not have a border around the task or a title bar over the task. In addition, instead of being a single image element, a task on the stage consists of multiple window images that can each be manipulated by the user. (*Robertson*, col. 11, ll. 41-65.)

FIGS. 13A-14F illustrate *Robertson's* process for switching between tasks. FIG. 13A shows an initial state of the user interface showing a current task 400 having a primary viewing window 402 and two windows 404 and 406. FIG. 13A also includes a selected task

408, which is the task the user has picked to move to the stage 217. After the user selects task 408, the user interface generates a "snapshot," which is an image representing the current task 400. After the task image 410 has been generated, the image is moved away from the stage and placed, for instance, in its last location in the gallery before task 400 was selected.

At the same time, the task image 409 of the selected task 408 is moved onto the stage 217 and a background image that is shown behind the windows in task image 409 is expanded to fill all of end wall 216. The windows within task image 409 are then redrawn using current data from the windows' associated applications. FIG. 13E shows windows 414, 416 and 418 of selected task 408 being redrawn with the size and location of the windows determined by values stored for those windows when selected task 408 was last moved from stage 217 to the task gallery.

FIGs. 14A-14F illustrate an alternative embodiment in which tasks are switched using a pop-up window 422. The pop-up window 422 provides a list of tasks available in the gallery. After the user selects the name of the task from the pop-up window 422, the user interface generates an animation that gives the appearance that the user is moving backward through the task gallery. This movement continues until the user is far enough back that the selected task and the dimmed version of the former current task are fully in view. In FIG. 14B, the task selected by the user is shown as selected task 424. In FIG. 14C, the user interface generates a "snapshot" image of the current task and produces task image 426 from that "snapshot." Task image 426 then begins to move toward a stand 427 at its previous location in the task gallery. At the same time, task image 425 of selected task 424 begins to move toward stage 217. FIG. 14D shows one frame during the middle of this animated motion. When task image 426 has returned to its original location and selected task 424 has moved to stage 217, as shown in FIG. 14D, the object associated with selected task 424 is

removed from the right side wall container object and is placed into the stage container object. The display then regenerates each window in selected task 424 above stage 217. The virtual user may then return to the home viewing area.

**The Office Action Does Not Establish a
Prima Facie Case for Rejecting Claim 1**

The Office Action relies on the embodiment illustrated in FIG. 14 for allegedly disclosing the features of claim 1. (Office Action, p. 4.) The Office Action broadly points at columns within *Robertson* that describe the figures. However, the Office Action does not identify any elements in the figures that are considered by the Examiner to correspond to the elements recited in claim 1. Whatever correspondence the Examiner believes to exist is not apparent from the document. As such, the Office Action does not provide sufficient evidence to support its allegation that *Robertson* discloses the identical invention in as complete detail as contained in claim 1 and that the elements are arranged as required by the claim. Therefore, the Office Action does not establish a *prima facie* case of unpatentability. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). Applicant, therefore, respectfully requests that the rejection of claim 1 be withdrawn.

If the Examiner issues a subsequent Office Action rejecting the claims based on *Robertson*, Applicant respectfully requests that the Office Action explicitly identify what elements of *Robertson* are considered by the Examiner to correspond to the following claim elements: “first graphical user interface (GUI) element,” “first application,” “second GUI element,” “second application,” “first window” and “second window.”

**Robertson Does Not Anticipate the
Features of Applicant's Claim 1**

As best the Office Action can be understood, the Office considers *Robertson's* description of removing of a current task from the stage 217 and replacing the task with a

selected task 424 to correspond to the claimed “removing from the computer display the first GUI element associated with the first application and replacing the first GUI element with the corresponding, second GUI element associated with the second application.” (Office Action, p. 4, *citing Robertson*, col 13, l. 54 to col. 14, l. 30; *see also* col. 12, ll. 30-37.) In such case, it appears that the Examiner considers *Robertson's* current task and selected task object to correspond to the claimed “first GUI element associated with the first application” and “second GUI element associated with the second application.” Applicant disagrees.

First, the above-described tasks, task objects and images of task objects are all elements of *Robertson's* user interface application. (*Robertson*, col. 1, l. 65 to col. 2, l. 14.) In other words, all the elements are associated with a single application – *Robertson's* user interface. Accordingly, the current task and the select task cannot be considered to teach the claimed “first GUI element associated with the first application” and “second GUI element associated with the second application,” as recited in claim 1. (Emphasis added.)

Second, *Robertson* is silent with regard to any *correspondence* between the current task and the selected task object. Indeed, the current task and the selected task object do not appear have any relationship. For instance, the current task on the stage consists of multiple objects, including window images that can be manipulated by a user. (*Robertson*, col. 11, 42-51.) In contrast, when a new task is selected to have focus, the user merely selects an image representing the task. Thus, the current task and the selected task object do not have any correspondence. Consequently, *Robertson* cannot be considered to disclose, “replacing the first GUI element with the corresponding, second GUI element associated with the second application,” as recited in claim 1. (Emphasis added.)

Third, *Robertson's* tasks are containers that may contain windows. (*Id.* at col. 11, l. 42 to col. 12, l. 12.) The windows within a task would, at best, be considered to correspond

to the claimed “windows.” However, when a task does not have focus on the stage 217, an mere image of the task object is displayed on one of the walls 210, 212, 214, 216, 218 in the gallery. (*Id.* at col. 13, ll. 31-37.) In the embodiment illustrated in *Robertson's* FIGs. 13A-13E, where the image of the task is selected, a snapshot of the image is animated to move over the stage 217 where the image is expanded to fill the stage and its contents are redrawn using current data for the windows in the task. (*Id.* at col. 13, ll. 39-51.) Because a user merely selects an image representing a task, the user is not selecting a window. Accordingly, *Robertson* cannot be considered to disclose “detecting ... user selection of the second window to make the second application active, as recited in claim 1. (Emphasis added.)

Likewise, in the embodiment illustrated in *Robertson's* FIGs. 14A-14F, a user selects a task from a pop-up window 422 provides a list of tasks available in the task gallery. However, the pop-up window 422 is not “running” related to any of the tasks in the pop-up window 422. Thus, the pop-up window cannot be considered the claimed “second widow” that runs a “second application,” as recited in claim 1. Thus, thus selecting the pop-up window 422 also does not disclose “detecting ... user selection of the second window to make the second application active, as recited in claim 1. (Emphasis added.)

**Claims 1, 14, 23, 28, 31, 34 and 37 are
Allowable over *Robertson***

Since *Robertson* does not disclose at least the above-identified features of claim 1, this document cannot support a rejection of claim 1 under § 102(e). Applicant, therefore, respectfully requests that Examiner withdraw the rejection of claim 1 and allow the claim.

Independent claims 14, 23, 28, 31, 34 and 37 although of different scope than claim 1, recite subject matter similar to that recited in claim 1. Accordingly, claims 14, 23, 28, 31, 34

and 37 are allowable over *Robertson* for the same reasons set forth above with regard to claim 1.

**Claims 4, 6, 7, 9-13, 16-22, 24, 25, 27, 29, 30, 32, 33,
35, 36 and 38-40 are Allowable over Robertson**

Claims 4, 6, 7, 9-13, 16-22, 24, 25, 27, 29, 30, 32, 33, 35, 36 and 38-40 are allowable due to their corresponding dependence from claims 14, 23, 28, 31, 34 and 37, in addition to reciting other allowable subject matter.

Claim 4 recites, “the step of detecting the user selection comprises detecting the user clicking on the second window.” Contrary to the Office Action, *Robertson* is silent with regard to this feature. As noted above, in *Robertson*, a user selects an image of a task object. The user does not select a window. Accordingly, claim 4 is allowable over *Robertson*. Claim 16 recites similar subject matter and is allowable for the same reason.

Claim 6 recites, “detecting, when the first application is active and the second application is closed, the opening of the second application to make the second application active.” Contrary to the Office Action, *Robertson* is silent with regard to this feature. The Office Action cites column 21, line 50 to column 22, line 20 of *Robertson* for allegedly disclosing the feature. The only relevant disclosure in the cited section states, “A user may also close a window using a close button 537 of icons 524. When a user clicks on the close button 537, the window associated with the button icons disappears from the screen along with the button icons.” Removing a window from within a task object cannot be considered to disclose “opening of the second application to make the second application active.” Accordingly, claim 6 is allowable over *Robertson* for this additional reason. Claim 17 recites similar subject matter and is allowable for the same reason.

Claims 9 and 18 recite “rotation animation graphics.” The Office Action cites column 12, lines 30 to 45 for allegedly disclosing this claim feature. The cited section merely mentions “an animated display.” *Robertson* is entirely silent with regard to claimed “rotation animation graphics.” Accordingly, claims 9 and 18 are allowable for this reason as well.

Claims 10 and 19 recite, “scrolling animation graphics.” The Office Action cites column 12, lines 30 to 65 for allegedly disclosing this claim feature. The cited section merely mentions “an animated display.” *Robertson* does not say anything about “scrolling animation graphics.” Accordingly, claims 10 and 19 are allowable for this additional reason.

Claim 24 recites, “the first GUI element comprises a first menu bar having a plurality of options pertaining to functions associated with the first application and the second GUI element comprises a second menu bar having a plurality of options pertaining to functions associated with the second application, and wherein the step of replacing comprises retrieving the options for the second menu bar and displaying the retrieved options at appropriate locations for the second menu bar.” Applicant can find nothing in *Robertson's* disclosure that could be interpreted to correspond to the features of claim 24.

As noted above, the Office apparently considers *Robertson's* current task and selected task object to correspond to the claimed “first GUI element associated with the first application” and “second GUI element associated with the second application.” (Office Action, p. 4, *citing Robertson*, col 13, l. 54 to col. 14, l. 30; *see also* col. 12, ll. 30-37.) However, neither the current task nor the selected task object has a “menu bar,” as recited in claim 24. Notably, *Robertson* does disclose that task 300 in FIG. 6 has a title bar 304 placed along its top edge to help identify the task. (*Robertson*, col. 7, ll. 24-27.) However, *Robertson* does not describe the title bar 304 as “having a plurality of options pertaining to functions associated with” the task 300.

For the reasons above, *Robertson* also fails to disclose the above-identified features of claim 24. Claims 25, 27, 28, 31, 34 and 40 also recite similar “menu bars” to that recited in claim 24 and, as such, are allowable over *Robertson* for the same reasons as claim 24, in addition to those set forth above with regard to claim 1. Claims 30, 33, and 36 depend from claims 28, 31 and 36, respectively. Thus, claims 30, 33, and 36 are allowable over *Robertson* for at least the same reasons as claims 28, 31 and 36.

Conclusion

For the reasons set forth above, Applicant respectfully requests allowance of the pending claims.

If additional fees are required for any reason, please charge Deposit Account No. 02-4800 the necessary amount.

Respectfully submitted,

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